

REMARKS

Reconsideration of this application in light of the above amendments is courteously solicited.

Initially it should be noted that the instant application is a continuation-in-part of co-pending application Serial No. 09/297,761 filed May 7, 1999 which application is co-pending with U.S. Patent 6,029,416 which the Examiner has applied as a secondary reference. Accordingly, the subject matter of the instant application which is common to Serial No. 09/297,761 is entitled to the filing date of the co-pending application. As the inventor ship in the instant case, the co-pending application, and U.S. Patent 6,029,416 is identical, is respectfully submitted that the 6,029,416 patent does not constitute prior art. Accordingly, it is submitted that the subject matter of new independent claim 10 and previously submitted dependent claims 3 and 4 are not properly rejected under 35 U.S.C. 103 in combination with the '416 patent.

With regard to new independent claims 9 and 11, new independent claims 9 and 11 set forth with specificity the structure of element 16 and the relationship of element 16 with respect to the surface 26 as well as the relative thickness of the element 16 as it slopes from its outer end to the edge near the groove. The particular structure now set forth in claims 9 and 11 is neither shown, disclosed, nor rendered obvious by the

Hamberger et al. patent.

In light of the foregoing, it is submitted that the instant application is now in condition for allowance and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it
is respectfully requested that they be charged to Deposit
Account No. 02-0184.

Respectfully submitted,

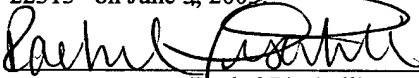
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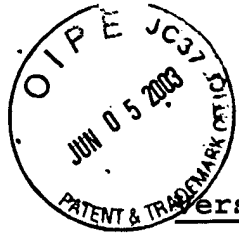
By

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Date: June 3, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient
postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313" on June 3, 2003.


Rachel Piscitelli



Version with markings to show changes made to the claims

2. **(Amended)** The arrangement as claimed in claim [1] 10, wherein the recess is upwardly defined by an upper defining surface which is substantially complementary to [or identical with] the upper surface of the projection when the pieces are joined together.

3. **(Amended)** The arrangement as claimed in [claim 2] claims 9 or 11, wherein, at least one of the upper surface of the projection and the upper defining surface of the recess have a slip-preventing or slip-impeding treatment or coating.

5. **(Amended)** The arrangement as claimed in [claim 1] claims 9, 10 or 11, wherein the tongue has, on its underside, a bevel [or rounding] so that it will be thinner in the vertical direction in a direction out towards its free edge, and wherein the angle which the bevel makes with the plane of extent of the second piece is counter-directed and approximately of the same magnitude as an angle of inclination which is defined by the difference in thickness between the outer and inner edge regions of the projection.

7. **(Amended)** The arrangement as claimed in [claim 1] claims 9, 10 or 11, wherein the outer edge of the upper side of the projection is approximately of the same vertical height above the lower surface of the first piece as the lower defining surface to the groove.

8. **(Amended)** The arrangement as claimed in [claim 1] claims 9, 10 or 11, wherein the second piece has, in direct conjunction with the underside of the tongue, an edge surface which is transversely directed in relation to the plane of extent of the flooring piece.